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6 **UNITED STATES DISTRICT COURT**  
7 **WESTERN DISTRICT OF WASHINGTON**  
8 **AT SEATTLE**

9 JAMES MCDONALD,

10 Plaintiff,

11 v.

12 ONEWEST BANK, FSB, NORTHWEST  
13 TRUSTEE SERVICES, INC., MORTGAGE  
14 ELECTRONIC REGISTRATION SYSTEMS,  
INC., INDYMAC BANK FSB, DOES 1-50,

Defendants.

No. C10-1952 RSL

**DECLARATION OF VONNIE  
MCELLIGOTT IN SUPPORT OF  
DEFENDANTS' OPPOSITION TO  
PLAINTIFF'S REQUEST FOR TRO**

15 I, VONNIE MCELLIGOTT, hereby declare:

16 1. Defendant Northwest Trustee Services, Inc. ("NWTs") employs me as a  
17 Foreclosure Analyst. This Declaration is made in support of defendants' motion for  
18 summary judgment. I am a citizen of the United States, I am over the age of 18, and I make  
19 the following declaration based upon my own personal knowledge and if called to testify in  
20 this action I could and would competently testify thereto.

21 2. I have personal knowledge of the procedures governing the creation and  
22 maintenance of NWTs' nonjudicial foreclosure files and I am familiar with the record  
23 keeping procedures of NWTs as to those records that pertain to the nonjudicial foreclosure  
24 proceeding against the property commonly known as 14840 119th Place Northeast, Kirkland  
25 WA 98034 (the "Property"), which is owned by James B. McDonald ("McDonald").  
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PAGE 1 OF 3  
CASE NO. C10-1952 RSL

ROUTH  
CRABTREE  
OLSEN, P.S.

13555 SE 36th St., Ste 300  
Bellevue, WA 98006  
Telephone: 425.458.2121  
Facsimile: 425.458.2131

1           3.     I have reviewed the records that pertain to the McDonald foreclosure and as to  
2 the following facts, I know them to be true of my own knowledge or I have gained  
3 knowledge of them from the business records of NWTs on behalf of NWTs, which records  
4 were made at or about the time of the events recorded, and are maintained in the ordinary  
5 course of NWTs' business at or near the time of the acts, conditions or events to which they  
6 relate. Any such document was prepared in the ordinary course of business of NWTs by a  
7 person who had personal knowledge of the event being recorded and had or has a business  
8 duty to record accurately such event. To the extent NWTs' business records contain  
9 documents created by third parties, NWTs relies on the accuracy of such records in  
10 conducting its business carrying out nonjudicial foreclosure proceedings.

11           4.     On December 8, 2010, Defendants agreed to postpone the December 10,  
12 2010, sale date in order for Plaintiff to reinstate the loan and/or request a modification.

13           5.     Thereafter, Plaintiff made no attempts to communicate with Northwest  
14 Trustee Services in furtherance of reinstatement or modification.

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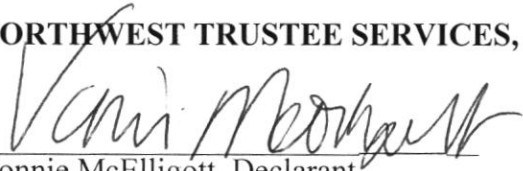
1           6. Attached to Defendants' Opposition are true and correct copies of the  
2 following documents:

- 3           a. The notice of trustee's sale recorded under King County Auditor's File No.  
4           20100216001242 attached to Defendants' Opposition as **Exhibit 5**.  
5           b. The amended notice of trustee's sale recorded under King County Auditor's  
6           File No. 20101104001321 attached to Defendants' Opposition as **Exhibit 6**.  
7

8           I declare under penalty of perjury and the laws of the State of Washington that the  
9 foregoing is true and correct to the best of my knowledge.  
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11           SIGNED this 10<sup>th</sup> day of January, 2011.  
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13           **NORTHWEST TRUSTEE SERVICES, INC.**

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15           Vonnie McElligott, Declarant  
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